

UNITED STATES DISTRICT COURT  
District of Massachusetts (Boston)  
March 22, 2004

Jason Harry Hill  
2781 Raymond Ave.  
Latrobe, Penna. 15650  
Plaintiff

vs.

Nancy Flavin, Asst. Clerk-Magistrate  
Ware District Court  
Officer Randy Topor, Ware Police  
Department  
Officer Peter Harder, Badge #2, Ware  
Police Department  
et. al,  
Defendants

CIVIL CASE NO.  
1:03-cv-1240-MLW

AMENDMENT TO NOTICE  
OF REMOVAL

COMPLAINT

1. The plaintiff Jason Harry Hill A citizen of the County of Westmoreland, State of Pennsylvania, residing at 2781 Raymond Latrobe, Penna. 15650 wishes to file a complaint under 42 U.S.C. 1983.
2. The defendants are Nancy Flavin, Asst. Clerk-Magistrate, Ware District Court; Officer Randy Topor, Ware Police Department; Officer Peter Harder, Badge #2, Ware Police Department

### 3. STATEMENT OF CLAIM:

On December 18, 2003 at 1:00 p.m. a Hearing was conducted regarding Traffic Citation K38386912, dated 7/03/03 in Ware District Court, Ware Mass. by Assistant Clerk-Magistrate Nancy Flavin.

This letter is to be considered as filing a Civil Rights Complaint regarding how the Hearing was conducted. Attached is a typed copy of my original notes, duly notarized, made on the day the Hearing was held (a typed copy is also attached).

I entered a Motion for Discovery regarding the radar used for the citing of the ticket (copy enclosed) at Ware District Court on October 8, 2003 (copy attached). This document was stamped by the Clerk at that time. This Motion was never replied to; neither by the Police Officer Peter Harder nor the Prosecuting Attorney in North Hampton, Mass. although they each received a stamped copy of the Motion.

Subpoena Duces Tecum was issued to Officer Peter Harder on Oct. 8, 2003 at the Ware Court House, and was duly stamped by the Clerk. This Subpoena was also ignored (copy attached).

Both of the above documents were ignored thereby violating the "due process of law" under the Fifth and Fourteenth Amendments of the United States Constitution, the Bill of Rights, and the Civil Rights Act of 1964.

The answers to the above Motion for Discovery and the Subpoena should have been made available prior to my Hearing on December 18, 2003 so I could prepare a proper defense.

On January 26, 2004 I entered a Notice to Compel Discovery and a motion to dismiss the charges (copy attached). My appeal date is March 26, 2004. On October 8, 2003 I entered a plea that I be heard by a Judge, and a plea that a Court Reporter be present at the Hearing on December 19, 2003 in order to have a written record of the Hearing. These pleas were returned to me without answer (copies attached).

Since my Motion for a Court Reporter was not answered, I decided to bring a tape recorder to record the proceedings. Prior to the Hearing I was frisked for weapons, which is legal under [392 U.S. 1] and with proper consent [412 U.S. 218]. I contend seizure of my tape recorder, whether voluntary or involuntary, was not legal, as it presented no "clear or present danger". Unreasonable seizure includes actual taking of personal property. The Fourth and Fourteenth Amendment to the Constitution protect persons from unreasonable searches and seizures. A seizure, without probable cause, is unreasonable [296 S.W. 1095, 1097]. Because a person is unaware of their rights under the law does not make this law any less viable. A fair hearing for seizure of property must be accorded prior to deprivation [237 U.S. 309].

The Court did know the law and violated it anyway connoting fraud [726 S.W. 2nd 537, 1987]. Accordingly, consideration of what procedure "due process" may require, under any given set of circumstances, must begin with the precise nature of the government function involved, as well as the intent of that function, and the effect the government action will have on an individual [397 U.S. 254, 262-263]. The recorder's removal and its return after the Hearing clearly showed that the court was denying my right to have a permanent court record for a subsequent hearing violating Procedural "Due Process". The precise nature of the governmental action at Ware District Court, was to deny any recording of the procedure, which was seriously detriment to my private interest, i.e. having a permanent court record which could be used at a later date [397 U.S. 254, 262-263].

In preparation for this hearing I requested information from the Citation Processing Center, Boston, Massachusetts, as to what I would be allowed to bring in my defense. In the response to my request, there was a notation stating I could bring any and all information I wanted for the court magistrate to consider at this hearing.

According to the State of Massachusetts, any papers or information I wished to bring were to be heard and admissible. However, this was not the case. All of the information I brought, none was allowed to be entered. During court proceedings I was instructed by Ms. Flavin to be quiet and hear the charges/notes (i.e. only the notes of Officer Peter Harder and not the traffic ticket specifically) and to only answer "Yes" or "No". Ms. Flavin refused to

acknowledge that I had any information, nor did she acknowledge that I had a Motion for Discovery and a Subpoena Duce Tecum at the Courthouse. She refused to hear any mention of either paper. To date neither of the motions has been answered nor returned to me. This is in direct violation of "due process" of law, Amendment XIV of the United States Constitution.

The Hearing itself was an affront to my Civil Rights, [Civil Rights Act of 1964], and the "due process of law" guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution. The Hearing was conducted as a closed door "secret inquest" in which the public was not allowed to be present. This is in direct conflict to equal protection of the law, under Amendment XIV of the United States Constitution. Without the public present, the court could do or justify anything it decided to do without recourse. A "Secret" or "Closed" Hearing by definition means the Defendant is at the mercy of the Court with little or no recourse as to the facts. This is particularly true since there is no written record of the proceedings except the notes I wrote after the Hearing was over (copy attached).

Massachusetts law says that the ticket for a traffic violation is itself considered presumptive evidence of guilt, and in practice has meant that the police officer writing the ticket does not have to appear at the initial hearing [Mass. Stat. 90C Sec. 3(A)(4)]. This meant that I could not question the Officer which is my right under "due process". I did have information which directly conflicted with the Officer's view of the incident. The ticket itself was not read into the record and was merely referred to at a later date. Assistant-Clerk-Magistrate Flavin requested Officer Randy Topor to read into the record a Faxed copy of what purported to be notes written by Officer Peter Harder. I requested a copy of the Faxed notes and was told I had no right to see them. There was nothing entered into evidence that these notes were written by Officer Harder on a specific date at a specific time. Officer Topor read the alleged notes in the third person, which further negated their origin. This evidence as read must be considered as Hearsay under the Uniform Rule of Evidence. The fact that the notes were not properly entered into evidence prevents their admissibility under Business Records Exemption [Uniform Rule 63 (3)]. When Officer Topor continued to read from the Faxed copy of what purported to be what Officer Harder wrote, I objected referring to my Motion of Discovery. I was told to "shut

up". This violated my First Amendment of free speech. There was no effort of the Court to find out what happened to the Motion of Discovery. I also asked to see the radar unit read-out and was told I had no right to the printout. Again Amendment XIV was violated by denying "equal protection of the law". In this case it appears that Statutory Law (Legislative Law under the Uniform Commercial Code) is deemed higher than the law of the land i.e. the U.S. Constitution as protected by the Judicial Court System.

A traffic ticket, or Regulatory Law, also known as a "Statute", by its very nature is a private contract with various levels of government, and carries with it certain immunities of rights as defined by the Uniform Commercial Code under Civil Law. One party performs a service, i.e. the Police Department in its duty cites an individual for a traffic violation, which they consider a direct violation of the promotion and maintenance of health safety, morals and general welfare of the public. The other party to this contract, if found guilty of said infraction, is required to pay the Legislative fine. This is a viable private contract under the Statutes of Massachusetts, and as such comes under the Uniform Commercial Code. I tried to enter a "without prejudice" UCC 1-207 plea since I signed the ticket "under duress"; the Power of the Police was omnipresent. This power is subject to, and limited by, "due process" considerations under Amendment X of the Bill of Rights, United States Constitution. I contend I had every right to enter a "without prejudice" plea. The Assistant Clerk-Magistrate Flavin made a ruling this was not a contract and ignored what I had tried to insert into the Hearing.

When Officer Topcr finished reading the Hearsay evidence, I was not allowed to present any evidence I considered pertinent to this case. Once again "due process" of law was not adhered to.

ARGUMENT: Assistant Clerk-Magistrate Nancy Flavin under "color of Law" deprived me of my Civil Rights. It has been held that a United States Federal "Cause of Action" may be maintained against a state officer who under "color of law" deprives a person of his civil rights. [42 U.S.C. 1983]; Federal Criminal Code, [U.S.C. Title 18, Part I, Chapter 13, Sec. 242]. Deprivation of Rights under "color of law". The flagrant disregard of the law was unconscionable. The apparent intent of Ms. Flavin was to find me

guilty, irrespective of any evidence, which could have found otherwise. It would appear that Ms. Flavin had already determined me guilty prior to the Hearing.

It is also my contention that the "secret hearings" act created in 1978 under law entitled the "Foreign Intelligence Surveillance Act, or FISA, has been incorporated in the Commonwealth of Massachusetts. The intent was to limit the abuses of authority but in fact the outcome appears to have increased the abuses by not honoring "due process", therefore not allowing me to challenge the evidence nor answer charges against me. Due Process, as guaranteed in the Bill of Rights under the XIV Amendment of the United States Constitution, was not adhered to, or in my case was completely eliminated. My right to face my accuser, as guaranteed in our constitution, was totally ignored. It is further my contention that if these abuses, i.e. the abrogation of my constitutional rights, are not challenged in the very lowest courts of the land (where the majority of individuals have contact with the court system) then in the future our rights could also be abused in higher courts.

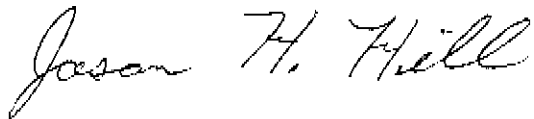
My sole intent for this complaint is to bring to the Committee's attention to the fact that I did not have a fair Hearing, better known as my "day in court". Being guilty or not guilty is not the question. Having my Civil Rights abrogated or negated is my sole contention for presenting what I conceived to be an improperly held judicial hearing.

My final thought, each individual in that courtroom, when they became a public servant, took an oath of office to protect and defend the Constitution of the United States of America. I find it disheartening and somewhat frightening that public servants could so easily ignore the rights of their fellows citizens, which they are empowered to protect.

4. WHEREFORE, plaintiff prays that the U. S. District Court, District of Massachusetts (Boston) uphold my civil rights. It would appear that to do this an investigation into the abuses that I sustained is proper and judicially correct. It is my contention that a court run under executive and/or legislative rule has no place in a court of law. Fines and their collection appear to be the main objective in local, and in some instances the State, for increasing or at least maintaining local

budgets, leaving a defendant in an impossible position of having absolutely no means of defending himself. Guilty until proven innocent is a European norm, not the way our system is supposed to be run.

Respectively submitted,

A handwritten signature in cursive script that reads "Jason H. Hill". The signature is written in dark ink and is positioned above the printed name and address.

Jason H. Hill  
2781 Raymond Ave.  
Latrobe, Pennsylvania 15650  
(724) 787-0110

Sec ARTICLE 29

## CONSTITUTION OF THE STATE OF MASSACHUSETTES

## PREAMBLE

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it, with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: And whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness. The Body-Politic is formed by a voluntary association of individuals: It is a social compact, by which the whole people covenants with each Citizen, and each Citizen with the whole people, that all shall be governed by certain Laws for the Common good. It is the duty of the people, therefore, in framing a Constitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all time, find his security in them. WE, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of his Providence, an opportunity, deliberately and peaceably, without fraud, violence or surprize, or entering into an Original, explicit, and Solemn Compact with each other; and of forming a New Constitution of Civil Government, for Ourselves and Posterity; and devoutly imploring His direction in so interesting a Design, DO agree upon, ordain and establish, the following DECLARATION OF RIGHTS, AND FRAME OF GOVERNMENT, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTES.

## PART THE FIRST

## A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE COMMONWEALTH OF MASSACHUSETTES.

- Art. 1. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their Lives and Liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.
- Art. 2. It is the right as well as the duty of all men in society, publicly, and at stated seasons to worship the Supreme Being, the great Creator and preserver of the Universe. And no subject shall be hurt, molested, or restrained, in his person, Liberty, or Estate, for worshipping GOD in the manner and season most agreeable to the Dictates of his own conscience, or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious Worship.
- Art. 3. [As the happiness of a people, and the good order and pre-



servation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a Community, but by the institution of the public Worship of God, and of public instructions in piety, religion and morality: Therefore, to promote their happiness and to secure the good order and preservation of their government, the people of this Commonwealth have a right to invest their Legislature with power to authorize and require, and the Legislature shall, from time to time, authorize and require, the several Towns, Parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the Public worship of God, and for the support and maintenance of public protestant teachers of piety, religion and morality, in all cases where such provision shall not be made Voluntarily. And the people of this Commonwealth have also a right to, and do, invest their Legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if their be any on whose instruction they can Conscientiously and conveniently attend - Provided notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance. And all monies, paid by the subject to the support of the public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said monies are raised. And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: And no subordination of any one sect or denomination to another shall ever be established by law.] NOTE - Art. XI, substituted for this.

- Sec. 4. The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America in Congress assembled.
- Sec. 5. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether Legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.
- Sec. 6. No man, nor Corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the Community, than what arises from the consideration of services rendered to the public; and this title being in nature neither heredit-

ary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, law-giver, or judge, is absurd and unnatural.

- Sec. 7. Government is instituted for the Common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family or Class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.
- Sec. 8. In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.
- Sec. 9. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, having an equal right to elect officers, and to be elected, for public employments.
- Sec. 10. Each individual of the society has a right to be protected by it in the enjoyment of his life, Liberty and property, according to standing laws. He is obliged, Consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: But no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other Laws then those to which their Constitutional Representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be apportioned to public uses, he shall receive a reasonable compensation therefor.
- Sec. 11. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.
- Sec. 12. No subject shall be held to answer for any Crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his council, at his election. And no subject shall be ar-

rested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgement of his peers, or the law of the land. And the Legislature shall not make any law, that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

- Sec. 13. In criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.
- Sec. 14. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil Officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.
- Sec. 15. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherwise used and practiced, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners wages, the Legislature shall hereafter find it necessary to alter it.
- Sec. 16. [The Liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.] ADDED - The right of free speech shall not be abridged.
- Sec. 17. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the Legislature; and the military power shall always be held in an exact subordination to the Civil authority, and be governed by it.
- Sec. 18. A frequent recurrence to the fundamental principles of the Constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their Officers and Representatives: and they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

- Sec. 19. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good: give instructions to their Representatives, and to request of the Legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.
- Sec. 20. The power of suspending laws, or the execution of the laws, ought never to be exercised but by the Legislature, or by authority derived from it, to be exercised in such particular cases only as the Legislature shall expressly provide for.
- Sec. 21. The freedom of deliberation, speech and debate, in either house of the Legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.
- Sec. 22. The Legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.
- Sec. 23. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their Representatives in the Legislature.
- Sec. 24. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.
- Sec. 25. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the Legislature.
- Sec. 26. No magistrate or court of law, shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual Punishments.
- Sec. 27. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the Legislature.
- Sec. 28. No person can in any case be subjected to law martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the Legislature.
- \* Sec. 29. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the

best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial Court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Sec. 30. In the government of this Commonwealth, the Legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never exercise the Legislative and judicial powers, or either of them: The judicial shall never exercise the Legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

United States District Court  
of the Eastern District of  
Massachusetts

I Hearby Demand This Case Be Removed  
From State Court to Federal Court?

The Court Being Removed from  
Office of clerk-magistrate

state case No  
K-3838691

James H. Bloom  
Ware District Court  
71 South Street P.O. Box 300  
Ware, Ma 01082-0300  
Phone (413) 967-3301

Court Removed To  
2300 U.S. District Court  
1 Courthouse Way Boston,  
Mass; 02210  
clerk's office

Title 28 § 1441 Generally

Title 28 § 1446 Removal of cases  
and Procedures

4. The Defendant IN This Case is filing  
A Notice of Removal of a civil  
Prosecution shall not prevent The state  
Court IN which such Prosecution is Pending  
from Proceeding further. Except that a Judgement  
of conviction shall not be entered unless the  
Prosecution is first Remanded, ch 89-Dist. cts; Remove  
1446 C(3)
- A. 1446.2 chronologic Simulation, INC. V. Sanguinetti 892 F. Supp.  
318, 321 (D. Mass 1995)
- B. F.D.I.C. V. Sand I 85-1 LTD. 804 F. Supp. 328, 332  
(S.D. Fla 1992)
- C. 107.11 (Matthew Bender 3d ed).
- D. 1446.2 (2)(a)(ii) See Getty oil, Div. of Texaco, Inc.  
V. Insurance Co. of N. Am. 841 F.2d 1254, 1262-1263  
(5th Cir. 1988); Brown V. Demco, Inc. 792 F.2d 478,  
481-482 (5th Cir. 1986).
- E. See Marano Enters. of Kan V. 2-Tec2 Rests., L.P. 254 F.3d  
753, 755-757 (8th Cir. 2001)
- F. Brierly V. Alusuisse Flexible Packaging, Inc.  
184 F.3d 527, 533 (6th Cir 1999), cert denied 528  
U.S. 1076 (2000)

5. (c) Content of Notice of Removal

a. See Leonard v. Enterprise Rent-a-car, 279 F.3d 967, 972 (11th Cir. 2002)

B. Williams Vs Best Buy Co 269 F.3d 1316, 1320 (11th Cir. 2001)

6. 1446 (D)

A Arango V. Guzman Travel Advisors Corp, 621 F.2d 1371 1375 n.4 (5th Cir. 1980)

B. 107,30 (2)(b) (Matthew Bender 3d ed.).



7, according to citation I've Requested a Jury Trial To Date no answer and I presume a Denial of trial to Date.

8 their was 2 copies of Everything sent to all Parties no Answers to Date.

9, Exhibit ~~IV~~ Dismissal and Relict from charge and Dismissal according to the massachusetts statute Rules and Regulations Denied.

10, Jason Hill Pro-se is either Requesting Jury Trial in U.S. Court for violations of Due process, or Dismissal of charge presented

Note Jason Hill pro se Gave all parties over 3 months to Respond sent 2 sets out and hand Delivered 2 set to all parties no Response on Documents to Date?

**REMOVAL - HAND WRITTEN**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>T. Skarneas</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>S. Karneas</i></p> <p>C. Date of Delivery  <i>11/13</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:  <i>US Dist Court  Boston mass 2300 US  States Court 1 Courthouse  47 Boston mass 02210</i></p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number  (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, August 2001 Domestic Return Receipt 102585-02-M-1540</p> <p>7002 3150 0004 2038 2153</p>	



Massachusetts Trial Court  
District Court Department  
Eastern Hampshire Division

DUSSE - GOMEZ  
First Justice, NANCY DUSEK - GOMEZ  
Clerk/Magistrate, WILLIAM P. NAGLE, JR.  
(413) 967-1301 (413) 967-7711  
FAX (413) 967-7986  
(413) 967-3301

71 South Street  
Post Office Box 100  
Ware, Massachusetts 01082

Asst. CPO. DAVID BROY  
(413) 967-3302 (413) 967-4469  
FAX (413) 967-3196

NOTICE OF APPEAL DATE

This notice will acknowledge the appeal of the decision of the Clerk/Magistrate/Assistant Clerk at your Civil Motor Vehicle infraction hearing held today.

Name: Jason Hill

Citation No. K3838691

Date of Violation: K3838691 - 7-3-03

Police Department: Ware

Officer/Trooper: Hardin

The appeal to a Judge in this matter will be heard on Friday  
March 26, 2004 at 9:00 a.m. in the courtroom. Be sure that you  
and any witnesses are there promptly at that time or you will waive your  
rights with respect to the appeal.

Dated: 12-18-03

Nancy Haven  
Clerk/Asst. Clerk Magistrate

Court Arizon for Hearings tape running  
recorded



UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
JOHN JOSEPH MOAKLEY COURTHOUSE  
1 COURTHOUSE WAY, SUITE 2300  
BOSTON, MASSACHUSETTS 02210



January 13, 2004

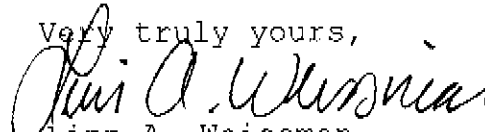
Mr. Jason Hill  
2781 Raymond Avenue  
Latrobe, PA 15650

Dear Mr. Hill:

I am responding to a request from Rosemary Breslow for copies of the documents filed by you in Hill v. Commonwealth, C.A. No. 03-12420-MLW. Ms. Breslow asked that one set of copies be sent to her and that one set of copies be sent to you.

When I spoke to Ms. Breslow, I was not aware that you had filed two extra copies of your pleadings. Because only one copy of the pleadings is required to be filed and because the Court charges a fee of \$.50 per page for manual copying, I am returning one set of copies to you and one set to Ms. Breslow so that no payment for copying will be necessary.

Very truly yours,

  
Linn A. Weissman  
Pro Se Office

Enclosures.

cc (w/enclosures): Ms. Rosemary Breslow  
318 Freemason Drive  
Elizabethtown, PA 17022

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:03-cv-12420-MLW  
Internal Use Only**

*Judge*

*Mark L. Wolf*  
*et al. Boyce 617-748-9153*

Hill v. Commonwealth of Massachusetts  
Assigned to: Judge Mark L. Wolf  
Referred to:  
Demand: \$  
Lead Docket: None  
Related Cases: None  
Case in other court: None  
Cause: 42:1983 Civil Rights Act

Date Filed: 11/13/03  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

*J. Johnston*

*7489159*

*7489155 Dock clerk*

**Plaintiff**

**Jason Hill**

represented by **Jason Hill**

2781 Raymond Ave.  
Latrobe, PA 15650  
PRO SE

FILED  
CLERK'S OFFICE  
2004 JAN -1 A 9 43  
DISTRICT COURT  
DISTRICT OF MASS.

V.

**Defendant**

**Commonwealth of Massachusetts**

Filing Date	#	Docket Text
11/13/2003	1	MOTION for Leave to Proceed in <u>forma pauperis</u> by Jason Hill. (Jenness, Susan) (Entered: 12/02/2003)
12/02/2003		Case undergoing preliminary screening (Jenness, Susan) (Entered: 12/02/2003)

*Susan Jenness*

*617 748 9130*



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108-1598

THOMAS F. REILLY  
ATTORNEY GENERAL

(617) 727-2200  
[www.ago.state.ma.us](http://www.ago.state.ma.us)

March 8, 2004

Jason H. Hill  
2781 Raymond Drive  
Latrobe, PA 15650

Dear Mr. Hill:

Thank you for contacting the Office of Attorney General Thomas F. Reilly.

However, a review of your correspondence indicates that the Office of the Attorney General is not the proper forum for your concerns. I have forwarded your correspondence to the Commission on Judicial Conduct. You can reach them at: 14 Beacon Street, Suite 102, Boston, MA 02108 or by calling: 1-617-725-8050.

I apologize that we may not be of direct assistance to you, I hope this information is useful to you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Suher".

Lori Suher  
External Affairs  
Executive Bureau

Jason H. Hill  
2781 Raymond Drive  
Latrobe, Penna.  
(724) 787-0110  
February 20, 2004

Tom Reiley, Attorney General  
Commonwealth of Massachusetts  
One Exchange Place  
Worcester, Massachusetts, 10608

Re: Complaint to the Committee on Professional Responsibility for Clerks  
of the Supreme Judicial Court of the Commonwealth of Massachusetts

Dear Sir:

Enclosed is a letter I wrote to the Committee on Professional Responsibility for Clerks of the Supreme Judicial Court registering a complaint regarding my view of how the Assistant Clerk-Magistrate of Ware, Massachusetts conducted a hearing in my case.

I am sending this information to give you notice of how the lower courts ignore court procedures in the in the area of traffic violations and/or misdemeanors. In a criminal case "due process", facing one's accuser, etc. is followed to the letter. Does placing a traffic violation in a civil court automatically throw out the Constitution of the United States, the Bill of Rights and the Civil Rights Act in the area of jurisprudence? Are the checks and balances of the Executive, Legislative and the Judicial no longer a viable means of making sure each part of government fulfills its responsibility to an individual? Has collecting revenue taken precedence over the judicial system.

I have talked to many people in my profession, i.e. long distance CDLdrivers, who are in and out of your Commonwealth. They are experiencing the same treatment as I have received. Since they are usually never in the same place twice, this makes a de novo appeal unlikely or impossible, with the added difficulty that control of where we travel, time of delivery and pickup, is in the hands of a dispatcher.

I would appreciate a response to my inquiry above, and to the Complaint. Thank you for your consideration and any assistance you are able to render solving, what I consider a very serious ongoing problem in our judicial system.

Sincerely,



Jason H. Hill

jhh:rib  
Enclosure

Jason H. Hill  
2781 Raymond Drive  
Latrobe, Penna.  
(724) 787-0110  
February 20, 2004

John Conte, District Attorney  
Commonwealth of Massachusetts  
Courthouse, Room 220  
2 Main Street  
Worcester, Massachusetts, 10608

Re: Complaint to the Committee on Professional Responsibility for Clerks  
of the Supreme Judicial Court of the Commonwealth of Massachusetts

Dear Sir:

Enclosed is a letter I wrote to the Committee on Professional Responsibility for Clerks of the Supreme Judicial Court registering a complaint regarding my view of how the Assistant Clerk-Magistrate of Ware, Massachusetts conducted a hearing in my case.

I am sending this information to give you notice of how the lower courts ignore court procedures in the in the area of traffic violations and/or misdemeanors. In a criminal case "due process", facing one's accuser, etc. is followed to the letter. Does placing a traffic violation in a civil court automatically throw out the Constitution of the United States, the Bill of Rights and the Civil Rights Act in the area of jurisprudence? Are the checks and balances of the Executive, Legislative and the Judicial no longer a viable means of making sure each part of government fulfills its responsibility to an individual? Has collecting revenue taken precedence over the judicial system.

I have talked to many people in my profession, i.e. long distance CDL drivers, who are in and out of your Commonwealth. They are experiencing the same treatment as I have received. Since they are usually never in the same place twice, this makes a de novo appeal unlikely or impossible, with the added difficulty that control of where we travel, time of delivery and pickup, is in the hands of a dispatcher.

I would appreciate a response to my inquiry above, and to the Complaint. Thank you for your consideration and any assistance you are able to render solving, what I consider a very serious ongoing problem in our judicial system.

Sincerely,



Jason H. Hill

jhb:rib  
Enclosure



Jason H. Hill  
2781 Raymond Drive  
Latrobe, Penna.  
(724) 787-0110  
February 18, 2004

Carol Rose, Executive Director  
American Civil Liberties Union  
99 Chauncy St., Suite 310  
Boston, Massachusetts 02111

Re: Complaint to the Committee on Professional Responsibility for Clerks  
of the Supreme Judicial Court of the Commonwealth of Massachusetts

Dear Ms. Rose:

Enclosed is a letter I wrote to the Committee on Professional Responsibility for Clerks of the Supreme Judicial Court registering a complaint regarding my view of how the Assistant Clerk-Magistrate of Ware, Massachusetts conducted a hearing in my case.

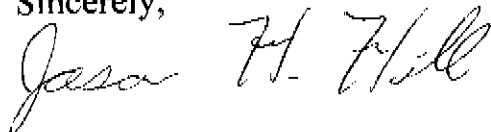
This information is being sent to you to give you notice of how the lower courts ignore court procedures in the in the area of traffic violations and/or misdemeanors. Since you are a champion for Civil Liberties and Civil Rights, your input is essential to my grievance. In a criminal case "due process", facing one's accuser, etc. is followed to the letter. Does placing a traffic violation in a civil court automatically throw out the Constitution of the United States, the Bill of Rights and the Civil Rights Act in the area of jurisprudence? Are checks and balances of the Executive, Legislative and the Judicial no longer a viable means of making sure each part of government fulfills its responsibility to an individual? Has collecting revenue taken precedence over the judicial system.

I have talked to many people in my profession, i.e. long distance CDL drivers, who are in and out of the Commonwealth of Massachusetts. They are experiencing the same treatment as I have received. Since they are usually never in the same place twice, this makes a de novo appeal unlikely or impossible, with the added difficulty that control of where we travel, time of delivery and pickup, is in the hands of a dispatcher.

In my travels around the county, other people have been experiencing the same treatment as I have (see enclosures). It is unfortunate that the majority of people's contact is with the Magistrate court. This is probably their only contact with the court system. It is no wonder people are pretty fed up with government and it's complete denial of people's rights.

I would appreciate a response to my inquiry above, and to the Complaint. Thank you for your consideration and any assistance you are able to render Solving, what I consider, a very serious ongoing problem in our judicial System.

Sincerely,

A handwritten signature in cursive script that reads "Jason H. Hill". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Jason H. Hill

jhh:rib

Enclosures

Jason H. Hill  
2781 Raymond Ave.  
Latrobe, Pa. 15650  
February 9, 2004

The Hon. Mark L. Wolf  
U. S. District Court  
John Joseph Moakley Courthouse  
1 Courthouse Way, Suite 2300  
Boston., Massachusetts 02210

Attention: Linn A. Weissman, Pro Se Office

Re: Hill v. Commonwealth, C.A. No. 03-12420-MLW

Dear Sir:

Enclosed is a copy of a letter and attachments to the Committee on Professional Responsibility for Clerks of the Court in Boston, Massachusetts regarding a Civil Rights Complaint made with reference to a hearing on Citation No. K3838691 held on 7/03/03.

With your approval, it is requested that this letter be made an amendment to my Motion for Removal from the Commonwealth Court to the Federal District Court. It is further requested that the Motion for Removal be granted based on the fact that my Civil Rights were abrogated or negated on what I conceive an improperly held judicial hearing. The Complaint itself should verify why I believe my Civil Rights were abridged.

If you have any questions, please contact me by letter at the above address or I can be reached at my Cell No. (724) 787-0110.

Thank you for your prompt attention to this matter, and any courtesy you can grant me.

Sincerely,



Jason H. Hill

jhh:rib  
Enclosures (8)

Jason H. Hill  
2781 Raymond Ave.  
Latrobe, Pa. 15650

10 February 2004

Committee on Professional Responsibility for Clerks of Courts  
1 Beacon Street, 3<sup>rd</sup> Floor  
Boston, Mass. 02108

Re: Civil Rights Complaint against  
Assistant Clerk-Magistrate Nancy Flavin  
Acting Magistrate at Hearing Held 12/18/03  
Citation No. K3838691

Gentlemen:

On December 18, 2003 at 1:00 p.m. a Hearing was conducted regarding Traffic Citation K38386912, dated 7/03/03 in Ware District Court, Ware Mass. by Assistant Clerk-Magistrate Nancy Flavin.

This letter is to be considered as filing a Civil Rights Complaint regarding how the Hearing was conducted. Attached is a typed copy of my original notes, duly notarized, made on the day the Hearing was held (a typed copy is also attached).

I entered a Motion for Discovery regarding the radar used for the citing of the ticket (copy enclosed) at Ware District Court on October 8, 2003 (copy attached). This document was stamped by the Clerk at that time. This Motion was never replied to; neither by the Police Officer Peter Harder nor the Prosecuting Attorney in North Hampton, Mass. although they each received a stamped copy of the Motion.

Subpoena Duces Tecum was issued to Officer Peter Harder on Oct. 8, 2003 at the Ware Court House, and was duly stamped by the Clerk. This Subpoena was also ignored (copy attached).

Both of the above documents were ignored thereby violating the "due process of law" under the Fifth and Fourteenth Amendments of the United States Constitution, the Bill of Rights, and the Civil Rights Act of 1964.

The answers to the above Motion for Discovery and the Subpoena should have been made available prior to my Hearing on December 18, 2003 so I could prepare a proper defense.

On October 8, 2003 I entered a plea that; I be heard by a Judge, and a plea that a Court Reporter be present at the Hearing on December 19, 2003 in order to have a written record of the Hearing. These pleas were returned to me without answer (copies attached). On January 26, 2004 I entered a Notice to Compel Discovery and a motion to dismiss the charges (copy attached). My appeal date is March 26, 2004.

Since my Motion for a Court Reporter was not answered, I decided to bring a tape recorder to record the proceedings. Prior to the Hearing I was frisked for weapons, which is legal under [392 U.S. 1] and with proper consent [412 U.S. 218]. I contend seizure of my tape recorder, whether voluntary or involuntary, was not legal, as it presented no "clear or present danger". Unreasonable seizure includes actual taking of personal property. The Fourth and Fourteenth Amendment to the Constitution protect persons from unreasonable searches and seizures. A seizure, without probable cause, is unreasonable [296 S.W. 1095, 1097]. Because a person is unaware of their rights under the law does not make this law any less viable. A fair hearing for seizure of property must be accorded prior to deprivation [237 U.S. 309].

The Court did know the law and violated it anyway connoting fraud [726 S.W. 2nd 537, 1987]. Accordingly, consideration of what procedure "due process" may require, under any given set of circumstances, must begin with the precise nature of the government function involved, as well as the intent of that function, and the effect the government action will have on an individual [397 U.S. 254, 262-263]. The recorder's removal and its return after the Hearing clearly showed that the court was denying my right to have a permanent court record for a subsequent hearing violating Procedural "Due Process". The precise nature of the governmental action at Ware District Court, was to deny any recording of the procedure, which was seriously detrimental to my private interest, i.e. having a permanent court record which could be used at a later date [397 U.S. 254, 262-263].

In preparation for this hearing I requested information from the Citation Processing Center, Boston, Massachusetts, as to what I would be allowed to bring in my defense. In the response to my request, there was a notation stating I could bring any and all information I wanted for the court magistrate to consider at this hearing.

According to the State of Massachusetts, any papers or information I wished to bring were to be heard and admissible. However, this was not the case. All of the information I brought, none was allowed to be entered. During court proceedings I was instructed by Ms. Flavin to be quiet and hear the charges/notes (i.e. only the notes of Officer Peter Harder and not the traffic ticket specifically) and to only answer "Yes" or "No". Ms. Flavin refused to acknowledge that I had any information, nor did she acknowledge that I had a Motion for Discovery and a Subpoena Duce Tecum at the Court House. She refused to hear any mention of either paper. To date neither of the motions has been answered nor returned to me. This is in direct violation of "due process" of law, Amendment XIV of the United States Constitution.

The Hearing itself was an affront to my Civil Rights, [Civil Rights Act of 1964], and the "due process of law" guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution. The Hearing was conducted as a closed door "secret inquest" in which the public was not allowed to be present. This is in direct conflict to equal protection of the law, under Amendment XIV of the United States Constitution. Without the public present, the court could do or justify anything it decided to do without recourse. A "Secret" or "Closed" Hearing by definition means the Defendant is at the mercy of the Court with little or no recourse as to the facts. This is particularly true since there is no written record of the proceedings except the notes I wrote after the Hearing was over (copy attached).

Massachusetts law says that the ticket for a traffic violation is itself considered presumptive evidence of guilt, and in practice has meant that the police officer writing the ticket does not have to appear at the initial hearing [Mass. Stat. 90C Sec. 3(A)(4)]. The ticket itself was not read into the record and was merely referred to at a later date. Assistant-Clerk-Magistrate Flavin requested Officer Randy Topor to read aloud a Faxed copy of what

purported to be notes written by Officer Peter Harder. I requested a copy of the Faxed notes and was told I had no right to see them. There was nothing entered into evidence that these notes were written by Officer Harder on a specific date at a specific time. Officer Topor read the alleged notes in the third person, which further negated their origin. This evidence as read must be considered as Hearsay under the Uniform Rule of Evidence. The fact that the notes were not properly entered into evidence prevents their admissibility under Business Records Exemption [Uniform Rule 63 (3)]. When Officer Topor continued to read from the Faxed copy of what purported to be what Officer Harder wrote, I objected referring to my Motion of Discovery. I was told to "shut up" and if I objected again, he, (officer Topor) told me he would tape my mouth shut. Assistant Clerk-Magistrate Nancy Flavin at that point to sit down and let him finish; these are the rules of this court, "there are no rules, except my rules". This violated my First Amendment of free speech. There was no effort of the Court to find out what happened to the Motion of Discovery. I also asked to see the radar unit read-out and was told I had no right to the printout. Again Amendment XIV was violated by denying "equal protection of the law". In this case it appears that Statutory Law (Legislative Law under the Uniform Commercial Code) is deemed higher than the law of the land i.e. the U.S. Constitution as protected by the Judicial Court System.

A traffic ticket, or Regulatory Law, also known as a "Statute", by its very nature is a private contract with various levels of government, and carries with it certain immunities of rights as defined by the Uniform Commercial Code under Civil Law. One party performs a service, i.e. the Police Department in its duty cites an individual for a traffic violation, which they consider a direct violation of the promotion and maintenance of health safety, morals and general welfare of the public. The other party to this contract, if found guilty of said infraction, is required to pay the Legislative fine. This is a viable private contract under the Statutes of Massachusetts, and as such comes under the Uniform Commercial Code. I tried to enter a "without prejudice" UCC 1-207 plea since I signed the ticket "under duress"; the Power of the Police was omnipresent. This power is subject to, and limited by, "due process" considerations under Amendment X of the Bill of Rights, united States Constitution. I contend I had every right to enter a "without prejudice" plea. The Assistant Clerk-Magistrate Flavin made a ruling this was not a contract and ignored what I had tried to insert into the Hearing.

When Officer Toper finished reading the Hearsay evidence, I was not allowed to present any evidence I considered pertinent to this case. Once again "due process" of law was not adhered to.

IN SUMMARY: Assistant Clerk-Magistrate Nancy Flavin under "color of Law" deprived me of my Civil Rights. It has been held that a United States Federal "Cause of action" may be maintained against a state officer who under "color of law" deprives a person of his civil rights. [42 U.S.C. 1983]; Federal Criminal Code, [U.S.C. Title 18, Part I, Chapter 13, Sec. 242]. Deprivation of Rights under "color of law". The flagrant disregard of the law was unconscionable. The apparent intent of Ms. Flavin was to find me guilty, irrespective of any evidence, which could have found otherwise. It would appear that Ms. Flavin had already determined me guilty prior to the Hearing.

It is also my contention that the "secret hearings" act created in 1978 under law entitled the "Foreign Intelligence Surveillance Act, or FISA, has been incorporated in the Commonwealth of Massachusetts. The intent was to limit the abuses of authority but in fact the outcome appears to have increased the abuses by not honoring "due process", therefore not allowing me to challenge the evidence nor answer charges against me. Due Process, as guaranteed in the Bill of Rights under the XIV Amendment of the United States Constitution, was not adhered to, or in my case was completely eliminated. My right to face my accuser, as guaranteed in our constitution, was totally ignored. It is further my contention that if these abuses, i.e. the abrogation of my constitutional rights, are not challenged in the very lowest courts of the land (where the majority of individuals have contact with the court system) then in the future our rights could also be abused in higher courts.

My sole intent for this complaint is to bring to the Committee's attention to the fact that I did not have a fair Hearing, better known as my "day in court". Being guilty or not guilty is not the question. Having my Civil Rights abrogated or negated is my sole contention for presenting what I conceived to be an improperly held judicial hearing.

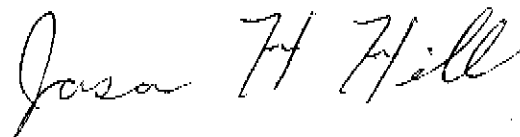
My final thought, each individual in that courtroom, when they became a public servant, took an oath of office to protect and defend the Constitution



of the United States of America, which is the very bedrock of American jurisprudence. I find it disheartening and somewhat frightening that public servants could so easily ignore the rights of their fellows citizens, which they are empowered to protect.

Thank you for your prompt attention and consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jason H. Hill". The signature is written in dark ink and is positioned below the word "Sincerely,".

Jason H. Hill

jhh:rib

Enclosures (7)

cc: Tom Reiley, Attorney General, Comm. of Mass.  
John Conte, District Attorney, Comm. of Mass.  
Hon. Mark L. Wolf, U. S. District Court  
Dept. of Justice, Special Litigation Civil Rights Div. Wash. D.C.  
ACLU

Exhibits of state case No K3838691

1st step to Last step of how the events took place to present

1. Exhibit I citation of speeding was issued to Jason Hill <sup>pro-se</sup> which is a Defendant in this case matter.
2. Exhibit II shows where the address was given to me to send information to, if I choose to.
3. Exhibit III shows the Defendant sent Discovery motion and subpoenas of Documents I Requested at trial and also stated I needed to Review copies of these Documents for trial.
4. Exhibit IV shows I put a note with motions telling clerk of courts to file one and send one Back.  
note court has never sent me Back copies I've also gave an Envelope with prepaid stamps and Address to send Back to?  
And Jason Hill pro-se had to Drive to Massachusetts to get copies signed stamped so their Documentation these events took place?
5. Jason Hill Pro-se also sent copies to officer and prosecutor in case? also even gave courtesy call to make sure everyone has Received Documents also with in mass, I hand Delivered 2nd set of Documents to all parties Requesting interrogatories Be answered with subpoenas.
6. Today to Date No Answers?

MEMORANDUM

Dated: 12/18/03 10:00 p.m.

From: Jason H. Hill  
2781 Raymond Ave.,  
Latrobe, Penna. 15650

Re: Traffic Citation: K3838691 Dated: 7/03/03  
Hearing held 12/18/2003 at 1:00 p.m. at Ware District Court

Present: Assistant Clerk-Magistrate Nancy Flavin  
Officer Randy Topor, Ware Police Department  
Bailiff  
Jason H. Hill

Absent: Officer Peter Harder, Badge #2, Ware Police Dept.  
The Officer initiating the traffic ticket

The following is my recollection of what occurred at the Hearing held in the above matter.

I arrived at Court and was checked over or "frisked" for weapons or knives, etc. I had a tape recorder on my person and the Bailiff took the tape recorder, which he returned after the Hearing. I sat down outside the Court Room and waited until approximately 2:00 p.m. when I was called into the Court Room.

I walked over to a table and asked if this is where I sit down. There was a woman sitting across from me at the table, she replied "Yes." So I sat down. I noticed a plaque saying "Assistant Clerk-Magistrate Nancy Flavin. She seemed very friendly at that time. I was sworn in.

I was sworn in at this time. I asked for the rules of the Court. She said "There are none. It's like this, the Police Officer testifies to the charge, then I say 'Yes, I did' or 'No I didn't to the charge of speeding.'"

Officer Topor proceeded to look up my case in some leather bag and couldn't find the testimony from the arresting Officer Peter Harder.

I was asked to leave the Court Room and wait in the Lobby until the papers could be found. I was then called back inside the Court Room, and I sat down again.

Ms. Flavin told Office Topor to tell Officer Harder's story of what happened on July 3, 2003 regarding the charge of speeding from the papers that were Faxed from the Police Department.

I asked to see the papers. They, the Court, said I had no right to see the papers Officer Topor was going to read to the Court.

I asked "Where's the Judge?" Ms. Flavin said, "I'm the Judge." I said, "I

want a Judge.” Ms. Flavin said. “You have no right to a Judge in this Court. I asked, “Why not?”

She gets mad and uptight and said, “This is the way it is. There are no Rights but my Rights in this Court. I’m the acting Judge here and the rules are: The Officer says his statement and then you say ‘Yes’ or ‘No’. I said, “O.K.”

The Officer Topor starts reading from the FAX, “The Driver (indicating me) was heading Northbound and Officer Harder was driving in the opposite direction (or South) and clocked Mr. Hill with his calibrated radar at 52 mph in a 40 mph zone.”

I objected to the radar (there were no records in the Court regarding the Radar). Officer Topor gets mad and says, “Shut Up.”

Then I say, “Objection.”

Officer Topor resumes speaking, “Mr. Hill was then sighted for.....

I said “Objection. I have sent a Discovery Motion to the Court [regarding the radar] and to the Citing Police Officer Peter Harder. I was also given the Prosecutor’s Name, Address and the Court’s address at that time.

Officer Topor stood up and said, "If you speak again I will personally tape your mouth shut."

I said, "Objection." The Bailiff came and put his hand on my shoulder and said, "Sit down."

Ms. Flavin said, "Mr. Hill please be quiet until he's ( Officer Topor) done with the statement." I complied with her request.

Officer Topor continued reading the statement. "Officer Harder made a U-Turn. Officer Harder said he stopped Mr. Hill's vehicle and sighted him for speeding. [When I saw the Officer turn around I pulled off on the side of the road, I stopped and waited for the Officer to come to my tractor-trailer].

Mr. Hill asked Officer Harder if I could see the readout of the radar unit and he said that I had no right to see the unit. He then said, 'I'll be back with your citation and you stay put.' Mr. Hill waited approximately 20 minutes.

Officer Harder gave Mr. Hill the citation for speeding." That was the end of the testimony given by Officer Topor.

Next the Assistant Clerk-Magistrate Ms. Flavin said, "Mr. Hill are these facts true, were you speeding 52 mph in a 40 mph zone?"

I said, paraphrasing UCC 1-207 from a paper I held, "I reserve my right not

To be compelled to perform under any contract or commercial agreement that

I did not enter knowingly, voluntarily...

The Assistant Clerk-Magistrate Ms. Flavin stopped me and said, "This is no contract, it is a speeding ticket."

I said, "This is a contract I did not knowing or voluntarily enter into. You people are trying to ruin my livelihood by charging me with this offence without any chance to defend myself."

She said, "I don't give a Damn. 'Yes' or 'No' Mr. Hill?"

I replied, "I can't answer that."

Ms. Flavin looked stunned and made her determination of "Guilty".

I asked where to I go for Appeal. I was told where to go. I paid \$20.00 for Appeal and the matter will be heard on Friday, March 26, 2004 at 9:00 a.m.

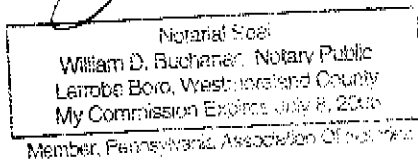
I was then confronted by the Bailiff (who attended my Hearing). He said, "Don't you understand the Rules around here. Just say 'yes' or 'no, don't' you understand that?"

I said, "Yes or No, I'm guilty regardless of 'yes' or 'no.' I have no rights here."

I then asked where I get the records for street signs being replaced. The Bailiff said, "Up the street you can get all the records of signs being replaced."

I said to the Bailiff "There will be no more hearing here for me." And I walked out of the Court House.

2-10-04 - W. T. W.  
*William D. Buchanan*



*Jason H. Hill*

Jason H. Hill  
Cell Phone # (724) 787-0110



20-8

1-8

memorandum written by Jonathan Hill  
RE, traffic citation

from the table I'm sitting

At I asked if this is were

I sit down she replied yes

so I set down

then I noticed the plaque

said Assistant clerk of

magistrate

on the plaque she seemed

very friendly At that time

then I asked for rules of the

court she said their is none

its like this <sup>the</sup> police officer

testifies to the charge

12-18-03 10:00 present time

~~some~~ memorandum of what occurs

At This hearing

I Arrived At court I was

checked over or frisked for

weapons or knives. I had a tape

recorder and the Bailiff kept

the player, he returned player

after hearing I set down

and waited and then around Apper

2:00pm I called into the court

room

I set down and their was

2 women sitting across from

she told officer to tell

mr Herders story what

happend on the charge of speed

they said

and the papers were fixed from

the police Dept. I asked to see

papers they said I had no right

to see the papers the \_\_\_\_\_

was ~~Reading~~ to Read to the court

second I asked <sup>where's the judge</sup> ~~was~~

she said I'm the Judge I said

I want a Judge she said you

have no right to a Judge in this court

then she say to me I say  
yes I did for no I didn't

to the charge of speeding

after the officer testified

so the officer tried to look up

my case in some ~~Book~~ <sup>Leather Bag</sup>

and couldn't find testimony for

the Arresting officer ~~so~~ <sup>so</sup> ~~after~~ <sup>after</sup> ~~that~~ <sup>that</sup>

then Jim ~~was~~ <sup>who</sup> went by

waiting in the lobby

and I ~~was~~ <sup>was called</sup> ~~called~~ <sup>called</sup> inside

and I sat Down

RE Traffic Citation No.                      Date                     

I said why not she <sup>gets</sup> ~~said~~ mad and uptight

and said "this is the way it is" there is no right

my Rights in this court I'm the acting Judge

<sup>What the magistrate Name</sup>

Hear and the rules are (she says) the officer

<sup>says</sup>

says his statement and then you say ~~yes~~ <sup>Yes</sup> or No

It said o.k. the officer                      speaks and says

The Driver was Heading North Bound and Mr. Harder was

Driving the opposite Direction ~~and~~ and Mr Hill was speeding

with ~~calibrated~~ his calibrated Radar said 52 mph

In a 40 mph Zone I objected the Radar ~~the~~ the

officer gets mad and says shut up, then I

say Objection, officer                      starts to speak

and says Mr. Hill was then sighted for / then I

say objection Because <sup>Discovery</sup> (I sent V motion to court

~~saying for all~~ <sup>citing</sup> also the V police officer has one  
<sup>Peter Harder</sup>

I was also Given the prosecutor's Address  
 and court Address.) The officer stood up and  
 said if you speak I will personally tape  
 your mouth shut, <sup>to say</sup> Objection! so the officer  
~~(Batiff came by put hand on my shoulder and said~~  
~~spoke continue to read from paper~~ the Assistant clerk  
 of magistrate spoke \_\_\_\_\_ and ~~said~~ mr Hill  
 please Be quiet till he's Done with the statement

~~I didn't~~ I complied with her request.

and \_\_\_\_\_ officer ~~speak~~ <sup>finish</sup> reading out statement.

the mr Herder made u-turn ~~caught up to~~ <sup>(I saw officer turn around)</sup>

(~~the~~ Pull off on side of Road)  
 mr. Herder <sup>said</sup> mr Hill vehicle stopped him and sighted him for  
 speed? <sup>(Adel in statement)</sup> ~~ask~~ mr Hill ask officer Herder if

he could see the readout of the radar unit

and he said I have no right to see the unit

I'll Back with your citation and you stop  
 put.)

(So I wanted) Approx 20 min I receive citation for speed and that was the end of testimony

Next the Assistant clerk to the magistrate

said mr Hill were these facts true ~~was~~ <sup>were</sup> you

speeding 52 in a 40 <sup>zone</sup> I said I Reserve my

Right not to be compelled to perform under

Any Contract or Commercial Agreement that I

Did not Enter knowingly voluntarily / Assistant clerk

magistrate stopped me and said this is no contract

it's a speeding ticket I said it is a contract because

you people are trying to ruin my livelihood by

charging me with this offence she said I don't

Give a Damn she said yes or no mr Hill

and I said I can't answer that and she

looked stunned and made her Determination

of guilty I said were Do I Go for App.

8-8  
1st Door on Left I Paid 20 Dollars  
for appeal and New Date at court house <sup>Date</sup>

and I was given paper and Receipt and I  
was confronted By the Bailiff he said Dont  
you understand the Rules around here Just  
say yes or no Dont you understand that  
I said yes or no I'm guilty Regardless

of yes or No I have no rights hear

he said Up the street you can get all the  
records of signs Being Replaced. I said

There will Be no more ~~hearing~~ hearing here for  
me and I walked out,

J.H. 12-18-03  
23:30 finished  
End of -

① Entering City Limits on a two way Highway  
Do I submit The unavailability of a  
CLEARLY MARKED DEVICE

① A Corresponding Device at the time  
in Question was positioned Behind  
an overgrown Tree and Not In visible  
Sight.

② The age Deterioration, in This case,  
Rusted Beyond Visability Given the  
Distance of the Driver

① The Coloration Rust In Contrast  
To its positioning in a treed-wooded  
location Blended The two as if one  
color Making it undistinguishable

② The since action of the state  
having Replaced the sign G-IVIN  
this incident Proves a submittance  
on their own part in regards to  
Burden an Responsibility To provide  
The City a clearly marked Device

② IN Addition The Event in Question  
Occuring Directly within a mere two  
Block Distance wherein no other Vehicles  
were present Therefore Do I contest  
Given the unavailability of a clearly marked  
Device, The Vacated streets left me no way,  
In Comparison To make an Educated  
Approximity in Regards to an Exceptible  
Speed

WARE DISTRICT COURT  
Ware, Massachusetts

THE PEOPLE/STATE OF )  
MASSACHUSETTS, )  
Plaintiff, )

vs. )

JASON H. HILL, )  
Defendant )

Citation No. K3838691

Dated 7/03/03

Police Agency: Ware Police Department

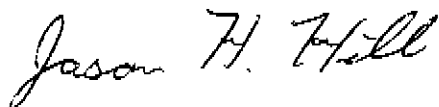
MOTION TO COMPEL DISCOVERY

To The Honorable Nancy Duser-Gomez:

On October 8, 2003 I entered two motions at the Ware District Court House (1) Discovery under Massachusetts Municipal Court Section Rule 27A Depositions & Discovery and (2) DCM-36 Subpoena Duces Tecum under Rule 45 Commonwealth of Massachusetts. (Copies attached) To date neither motion has been answered, although they were properly entered, and the information was not available at my first hearing held on December 18, 2003.

I move to dismiss the case on account of the Police Officer's failure to answer either Motion. I sent the Motions to both the Ware Police Department and the Prosecutor's Office in North Hampton, Mass., and they both ignored the requests. If the two Motions in question cannot be answered in 30 days, I request that the charges against me be dismissed.

I have not waived my right to a speedy trial, and I shouldn't have to. I can not properly prepare for a trial unless the notes are produced within 30 days. The Appeal date is set for March 26, 2004.



Jason H. Hill  
2781 Raymond Ave.  
Latrobe, Pa. 15650  
Cell No. (724) 787-0110



District Court - Office of the clerk magistrate

James H. Bloom Ware District Court 71 South Street

P.O. Box 300 Ware, Mass 01082-0300

Jason H Hill

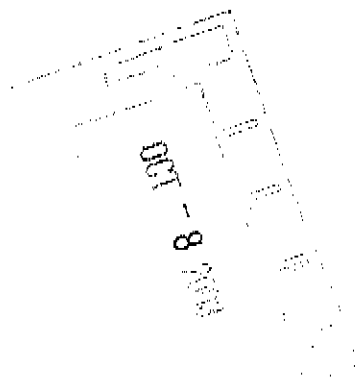
V

Commonwealth of  
Massachusetts

District Court - Peter Herder 02

Civil Action No  
K-3838691

Form DCM-29 Notice of Application for  
Final Judgement for Relief or Dismissal for  
Failure to Answer Interrogatories (Rule 33(a))



Commonwealth of Massachusetts  
District Court of Massachusetts

)

)

)

)

civil action No.

K-3838691

The parties herein are hereby notified that for  
failure to file timely (answers) (further Answers) to  
Interrogatories — (Plaintiff) (Defendant) herein, has

Requested that final Judgement for Relief  
(dismissal) Be Entered against (plaintiff) (Defendant)  
herein,

Unless said Answers and subpoenas are Answered within  
(30) days from this Date 9-16-03 of Notice

or prior to the filing of the reapplication for  
a final Judgement for Relief or Dismissal whichever  
is later the final Judgement for (Relief) (Dismissal)

Applied for will Be entered pursuant to Rule 33(A)

Agreements Between parties to Extend the 30 Day period  
mentioned herein shall be in writing and, Be filed with  
the Court.

clerk signature \_\_\_\_\_

Date stamped time  
court stamp \_\_\_\_\_

James H. Bloom Ware District Court 71 south street  
P.O. Box 300 Ware, Mass 01082-0300

Jason H. Hill

✓

Commonwealth  
of

Massachusetts

District Courts and

Peter Harder, 02

Citation No.

L-3838691

Sent July 19th 2003 Sept 6th 2003

Hand Delivered Oct 8th 2003

Under The Commonwealth of Massachusetts  
Municipal Court Section Rule 27A Depositions  
and Discovery?

Under The Commonwealth of  
Massachusetts Municiple Court Section  
2 Rule 27A Depositions and Discovery?

Questions? and Complaints?

1. Name and Barrax you work out of?
2. TYPE of Radar Unit That was in your car?
3. why is your name and Badge Number Not legible on citation But the Name of the town Date Address is?
4. Was the car moving or sitting Behind a Bush when the Driver went By?
5. What Does 54 mph in a 40 MPH zone mean?
6. Was The speed limit sign very legible at time of stop?
7. It was Raining Hard at the time?
8. The Exact location at time of stop?
9. what color was my shirt?
10. what color was the registration card?

- Case 1:05-cv-01242-MW Document 2 Filed 03/22/2004 Page 53 of 68
1. What is the section Code of the Alleged Violation That may have occurred?
  2. What Direction was you facing or Driving at Time of Alleged Violation?
  3. Approximately how fast was the flow of traffic moving?
  4. Due to Holiday Eve was the traffic thick?
  5. Does massachusetts participate the 85th Percentile Rule?
  6. Is the Violation In this instance have a section code?
  7. What color was the Vehicle Behind me?
  8. Was the Alleged Driver seem to Be Driving IRRatical at the time of stop?
  9. How come you were in a Bad mood?
  10. Were you shot at last night?
  11. Who is your supervisor? and Badge No.
  12. Did the Alleged Violation take place on a Interstate Highway?

23. What is your supervisor's name?
24. How long have you been a traffic officer?
25. What was the Road conditions?
26. Was the moon full at time of <sup>Alleged</sup> violation occur?
27. Did you stop the Right Vehicle?
28. Where Did you train to be a police officer?
29. Was you Ever Accused of Harassment?
30. Was there a trailer Behind the truck?
31. What was the year and make? of trailer?
32. Was there probable cause for the stop?
33. Was there an accident involved?
34. Did you make out a police Report of the scene?
35. Was the trailer stolen?
36. Was the Alleged Driver Being Unreasonably Unsafe?

7. What was the Alleged Date of Violation?

8. Did The Alleged Driver use his or her turn Signal at time of Alleged Violation?

9. Did the Alleged Driver have his or her Seat Belt on at time of Violation?

10. Did Driver have any warrants out for his arrest?

11. Was all the lights operating During the Alleged Violation?

12. Was there Debris or Excess pollution coming from the Alleged Vehicle at time of Incident occurred?

13. Was the uniform or type of clothing you were wearing a certified Police Issued Uniform?

14. Was the Alleged squad car unmarked or marked car?

15. What county, Town, city Did Alleged Violation take place?

76. How Far away from me were you when you observed the Alleged Violation?

47. How Did you Determine the Alleged Speed?

48. Did you offer to let the Driver look at the readout on the Radar Unit?

49. Was their Blowing objects around when the alleged violation occurred? Like Leaves trash Dust

50. Was your vehicle set up with a ground unit to Keep the radar unit from Giving false signals

51. Do you have and official Inspection of the vehicle you were Driving

52. Were their power lines Nearby that could cause Interference with the radar unit.





## The Commonwealth of Massachusetts

Motor Vehicle Insurance - Merit Rating Board

Citation Processing Center

P. O. Box 199125, Boston, MA 02119-9125

Customer Service (617)351-4400

Fax (617)351-9660

July 23, 2003

Jason H Hill  
2781 Raymond Ave  
Latrobe, PA 15650-0000

RE: Traffic Citation Number: **K3838691** Description: **Speeding**  
 Issued by: **WAR Ware Police Dept.**  
 Date of Violation: **07-03-2003** Location: **514 Ware**  
 Violator Driver's License: **21717508 PA** Birth Date: **02-01-1967**  
 Violator's Name: **Jason H Hill**

The Merit Rating Board (MRB) has received your request for a civil hearing before a court magistrate for the traffic citation identified above. Your hearing request will be reported to the Massachusetts district court listed below. This court under Massachusetts law has jurisdiction for the location where the traffic violation occurred and must be the court to conduct the civil hearing.

The court will schedule a date and time for the hearing. After scheduling the hearing, the court will mail a Hearing Notice to the violator's permanent mailing address from the records of the Registry of Motor Vehicles (RMV).

The enclosed information which was included with your hearing request is being returned to you. You must present any such information when you appear at the civil hearing. If you have any special scheduling needs, you must contact the court.

District Court:

*sent out*  
**Office of the Clerk-Magistrate**  
**James H. Bloom**  
**Ware District Court**  
**71 South Street P.O. Box 300**  
**Ware, MA 01082-0300**  
**Telephone: (413)967-3301**

Enclosure(s)

*need to send*  
*Address prosecutor*  
**1 Gleason Plaza**  
**North Hampton Ma, 01060-**

*413-*  
**Phone 967-3571**  
**Police Dept Address**  
**Officer ID or Badge No**  
**02**

**22 North Street Ware**  
**Mass 01082**  
**Harder, Peter**

## MASSACHUSETTS UNIFORM CITATION

DATE CITATION WRITTEN 07/03/03		AGENCY CODE WAR		OFFICER ID. NUMBER 02		COURT CODE 46		TYPE OF CITATION MOTOR VEH.		K 3838691	
MOTOR VEHICLE LICENSE NO. OF VIOLATOR 217117 500		STATE PA		CLASS A		CDL LICENSE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		RACE W		SEX M	
VIOLATOR NAME (Last) HILL		(First) JASON		(Initial) H		DATE OF BIRTH 02/07/67		NON-INVENTORY MV SEARCH <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		CODE	
ADDRESS 2781 Raymond Ave		CITY/TOWN LATRUBE		STATE PA		ZIP 15650					
PLATE TYPE AP		MOTOR VEHICLE REGISTRATION NO. AE12738		CDL VEHICLE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		HAZARDOUS MATERIAL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		MAKE AND TYPE Inter. TT		YEAR 01	
DATE OF OFFENSE 07/03/03		LOCATION OF OFFENSE (include #, st, hwy, city or town) Palmer Rd		TIME OF OFFENSE 8:30 PM		ACCIDENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
A. CHAP/SEC/SUB		<input type="checkbox"/> CRIM <input type="checkbox"/> CIVIL		DESCRIPTION OF OFFENSE		ASSESSMENT \$					
B.		<input type="checkbox"/> CRIM <input type="checkbox"/> CIVIL				\$					
C.		<input type="checkbox"/> CRIM <input type="checkbox"/> CIVIL				\$					
D. SPEEDING <input type="checkbox"/> 90/17 <input checked="" type="checkbox"/> 90/18		CIVIL		54 MPH IN A 40 MPH ZONE		<input checked="" type="checkbox"/> POSTED <input type="checkbox"/> NOT POSTED		<input type="checkbox"/> CLOCKED <input checked="" type="checkbox"/> RADAR <input type="checkbox"/> ESTIMATED		\$ 90	
SPEEDING ASSESSMENTS INCLUDE A \$25 SURCHARGE FOR THE HEAD INJURY TRUST FUND								TOTAL DUE \$ 115			
OFFICER CHECK ONE ONLY <input checked="" type="checkbox"/> CIVIL INFRACTIONS (See instruction A on back)		<input type="checkbox"/> CRIMINAL APPLICATION (See instruction B on back)		<input type="checkbox"/> ARREST		<input type="checkbox"/> WARNING (No action required by violator)					
OFFICER CERTIFIES: <input checked="" type="checkbox"/> IN HAND TO VIOL. <input type="checkbox"/> MAILED TO VIOL. <input type="checkbox"/> IN HAND TO VIOLATOR'S AGENT											
VIOLATOR/AGENT ACKNOWLEDGES RECEIPT OF CITATION											
AGENT'S LICENSE NUMBER & STATE											

NOTICE TO VIOLATOR  
SEE REVERSE SIDE  
FOR INSTRUCTIONS

NOTICE TO OFFICER  
ENTER ASSESSMENT \$  
AND TOTAL DUE \$ ONLY  
IF YOU CHECK  
"ALL CIVIL INFRACTIONS".  
ENTER COURT ADDRESS  
BELOW ONLY IF YOU CHECK  
"CRIMINAL APPLICATION".

COURT ADDRESS

If "ALL CIVIL INFRCTIONS" is checked, all the violations with which you are charged are civil infractions. WITHIN 20 DAYS of the date of the citation, you must check either Box 1 indicating you are paying the citation, or Box 2, indicating you are requesting a hearing below, sign where indicated and mail this citation in the envelope provided. If this citation has more than one violation, you may request a hearing on any one or more of the violations. However, you may not pay the citation until those violations for which a hearing has been requested have been resolved.

- If you fail to return this citation within 20 days with either Box 1 or Box 2 checked:
- You will lose your right to a hearing;
  - You will have to pay substantial late charges, and;
  - Your driver's license/right to operate or registration will be suspended until you pay in full, including late charges and reinstatement fees.

☐ **1. I WISH TO PAY THIS CITATION.** I am paying the "TOTAL DUE" shown as a final disposition of this citation and I am waiving my right to a civil hearing before a court magistrate. I understand that such payment is an admission of responsibility for all infractions and purposes of the Safe Driver Insurance Plan and any Registry action under the law. I also understand that such payment is not an admission of guilt, responsibility or negligence in any other criminal or civil proceeding.

☐ **To Pay by Mail:** Make check or money order payable to "Registry of Motor Vehicles". Please write the citation number, your driver's license number and state of issue on your payment. **DO NOT MAIL CASH.** If your check is returned unpaid, you will be subject to driver license or registration suspension/revocation and substantial penalties. Place your payment and this citation in the envelope provided and mail it to the address below. **NOTE: REMEMBER TO CHECK OFF THE PAYMENT BOX ON THE FRONT OF THE ENVELOPE.**

\$            **Total Amount Due**

☐ **To Pay by Internet:** <http://www.massrmv.com>

☐ **To Pay by Phone:** call (617) 857-7813/339 351-4500 or 800-858-3926 for area codes 508/774-9783/51 & 413 only, 9am-7pm, M-F

☐ **2. I REQUEST A COURT HEARING.** I deny that I am responsible for the civil infraction(s) charged on this citation, and I request a civil hearing before a court magistrate. I understand that I must appear in court when the court notifies me by mail of the date and time of the hearing. Place this citation in the envelope provided and mail it to the address below. **NOTE:** Remember to check off the hearing request box on the front of the envelope. I certify that I entered my correct mailing address on the front of the envelope and authorize the RMV to make any necessary changes.

*James H. H. H.* **DATE** 7-21-03

**MAIL PAYMENT OR COURT HEARING REQUEST TO:**  
CITATION PROCESSING CENTER  
Box 199125, Boston, MA 02119-9125

☐ **ALL CIVIL INFRCTIONS**

☐ **Signature of Violator**

**DATE**

TO SEAL — REMOVE BACK FLAP ONLY, MOISTEN OTHER SIDE OF THIS FLAP, AND FOLD OVER.

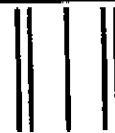
20 Jason Hill  
2781 Raymond Ave  
Lafayette Pa 15450

☐ CHECK HERE IF NEW ADDRESS

☐ PAYMENT

☐ HEARING REQUEST

☒ Jury trial



PLACE STAMP  
HERE  
The Post Office  
will not deliver  
mail without  
postage

CITATION PROCESSING CENTER  
P.O. BOX 199125  
BOSTON, MA 02119-9125



REMOVE THIS EDGE BEFORE MAILING

K3838691

**REMEMBER:**

- Check off either the "Payment" or "Hearing Request" box on the front of this envelope.
- When making a payment, include the total amount due. DO NOT SEND CASH. Please write the citation number, your driver's license number and state of issue on your check or money order.
- Enclose the original citation. Make a copy of the citation for your own records.
- Do not include letters or other information you want a court magistrate to consider; instead, bring this information to your hearing.
- Report address changes on the front of this envelope.

District Court - office of the clerk-magistrate  
James H. Bloom Ware District Court 71 South street  
P.O. Box 300 Ware, Ma 01082-0300  
Phone (413) 967-3301

Jason H. Hill

V

Commonwealth

of

Massachusetts

District Courts - Peter Herder, CL  
of Massachusetts

Date of ct 07-03-03

Civil Action No.

L-3838691

Form DCM-36 (Subpoena Duces TECUM)

(Rule 45) Commonwealth of Massachusetts  
District Court of Massachusetts

To

Arresting officer Badge No

You Are Heerby Commended

IN The Name of the Commonwealth of Massachusetts  
To Give Copies of Documents, Records All Needed to  
Prepare for trial I will need list(s): Names and  
Types of Documents, Records and how I want to  
Be Recieved In a timely manner and also need  
some time to study and go over these Documents  
and Records to prepare for trial?

1. The Radar Units Calibration Records and maintenance  
Records IN. Numerical order with all pages Numbers clear  
and in Ledgible form, also all pages Intact,
2. a copy of the officers radar training Certifications.
3. The agency's F.C.C. Federal Communications Commission  
licence, a copy?
4. List(s) of All models, maker and serial Numbers of  
all radar units being Used by your agency?
5. also added I need a copy of your training  
manual with all pages Intact and all Numbers of  
Pages Visible from front to Back?, also In Readable  
form,
6. the Actual Radar Itet of trial

6. also would need to see a mechanics report(s) to make sure there's a static eliminator in patrol car to make sure the units working properly from Engine fan noise Air Conditioning Blower Interference signals. or possible false Readings.

7. also Need a copy of the Book or manual of the Radar used at time of Alleged Incident occurred.  
also All pages must be marked, all intact, in numerical order.

8. Also The radar unit itself with tuning forks at time of trial

9. Also would like to subpoena the officers supervisor to Ask Questions about the ~~officer~~ officers penmanship and unprofessional manner.



Your failure to provide same within the time provided  
under Discovery Rule 27 under Massachusetts Code  
within 30 Days Period will Result In Dismissal  
and or Sanctions also will Be By the Commonwealth  
according to Massachusetts Laws with all  
Witnesses and/or reports

Please Be Guided Accordingly

If you have Immediate Questions you may  
call me 24/7 (724) 787-0110)

Citation Process Center Box 199125, Boston Mass,  
02119-9125

Date 07-15-03

Jason H. Hill  
DL 21717508 Fed  
Commercial Driver

✓

Commonwealth  
of  
Massachusetts  
Dist court of  
Massachusetts

Arresting officer of were  
Massachusetts

                     Badge No                     

                     Officers Name                     

civil Action No.  
K 3838691

Date of cit 07-03-03

Demand for Jury Trial?

Of 12 at my own piers also Everyone must  
speak english clearly and also US Decent or citizens  
also everyone must carry a valid Drivers  
Licence.

Court Hearing Request To  
 Citation Process center Box 199125, Boston Mass.  
 02119-9125

07-15-03

Jason H. Hill  
 DL 21717508 Fed  
 Commercial Driver

V

Commonwealth  
 of  
 Massachusetts  
 Dist courts of  
 Massachusetts

resting officer of Ware  
 Massachusetts

Badge No. \_\_\_\_\_

Civil Action No

L 3838691

Date of cit 07-03-03

Under The Massachusetts Federal - and  
 The constitution 5th and 14th Admendment Demand for  
 Court Reporter for Record Keeping In case  
 of Appeal Process, also for Documentation and Docket sheets  
 for the case.

07/25/03

WARE DISTRICT COURT  
OFFICE OF THE CLERK-MAGISTRATE  
71 SOUTH ST. PO BOX 300  
WARE, MA 01082-0300  
(413) 967-3301

THE HEARING YOU REQUESTED HAS BEEN SCHEDULED ON  
DATE Nov. 20, 2003 TIME 9:00 AM AT THE COURT ABOVE.  
IF YOU FAIL TO APPEAR, YOU WILL LOSE YOUR RIGHT TO A HEARING.

*Dec 18th 1:00 PM*

HILL, JASON H  
2781 RAYMOND AVE  
LATRUBE, PA 15650

CITATION NO: CITATION DATE ACCIDENT

K3833691 07/03/03 NO

VIOLATION TYPE: OPERATOR

LOC: WARE OFF ID: 02  
OFF: NOT ON FILE  
PD: WARE POLICE DEPT.

LIC: 21717508  
ST: PA CL: EXPIR:

REG NO: AE12738 MAKE:  
ST: PA EXPIR:

90 18 SPEEDING \$90

TOTAL AMOUNT ON CITATION \$115

54 MPH IN A 40 MPH ZONE

IF FOUND RESPONSIBLE AFTER HEARING:

MAKE CHECK PAYABLE TO:  
REGISTRY OF MOTOR VEHICLES

MAIL THIS FORM AND CHECK TO:  
RMV CITATIONS-PAYMENTS  
REGISTRY OF MOTOR VEHICLES  
POST OFFICE BOX 199125  
ROXBURY, MA 02119-9125

THIS FORM AND YOUR CHECK MUST BE  
RECEIVED BY THE RMV WITHIN 20 DAYS  
FROM THE JUDGMENT DATE UNLESS AN  
ALTERNATE DUE DATE WAS ORDERED BY  
THE COURT.

## NO CONTINUANCES WILL BE GRANTED

## Directions to Ware District Court

From Route 9 going East: Take Route 9 into Ware. This brings you to the Main Street. At the 2nd set of lights, take a right onto South Street. The court is 1/2 mile on the right.

From Route 9 going West: Take Route 9 into Ware. At the first set of lights, take a left. The Court is 1/2 mile on the right.

From Mass Turnpike: Get off exit 8 (Palmer exit). Take a left onto Rt. 32 N. Follow into Ware (about 10 miles). This brings you to the Main St. in Ware. At the 2nd set of lights, take a right onto South Street. The Court is 1/2 mile on the right.